

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<p>Applicant: Megumi ITOH et al.</p> <p>Application No.: 10/598,110</p> <p>Confirmation No.: 1135</p> <p>Filing or 371(c) Date: August 17, 2006</p> <p>Title: INSTRUMENT PANEL IMAGE DISPLAY DEVICE, INSTRUMENT PANEL IMAGE CHANGING METHOD, VEHICLE, SERVER, INSTRUMENT PANEL IMAGE CHANGING SYSTEM, INSTRUMENT PANEL IMAGE DISPLAY PROGRAM, COMPUTER-READABLE STORAGE MEDIUM STORING INSTRUMENT PANEL IMAGE DISPLAY PROGRAM</p>	<p>Art Unit: 2629</p> <p>Examiner: I. Spar</p>
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**REPLY BRIEF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Appellant is filing this Reply Brief in response to the Examiner's Answer, dated September 14, 2010, in connection with the above-identified application.

Application No. 10/598,110

November 12, 2010

Reply to the Examiner's Answer, dated September 14, 2010

Page 2 of 9

**STATUS OF CLAIMS:**

Claims 1-21 and 42 have been canceled.

Claims 22-41 are pending.

Claims 22-41 are rejected over prior art.

Claims 22-41 have been at least twice rejected and are the subject of this appeal.

**GROUND OF REJECTION TO BE REVIEWED ON APPEAL:**

The Examiner's rejections of claims 22, 23, 27-29, 36-39, and 41 under 35 U.S.C. § 102(b) as being anticipated by Yahara et al. (JP 10-297318), claims 24-26 under 35 U.S.C. § 103(a) as being unpatentable over Yahara et al. in view of Hirasuna (JP 11-099852), claims 30-32, 34, 35, and 40 under 35 U.S.C. § 103(a) as being unpatentable over Yahara et al. in view of Kolpasky et al. (U.S. 7,474,309), and further in view of Ui (JP 2000-292198), and claim 33 under 35 U.S.C. § 103(a) as being unpatentable over Yahara et al. in view of Kolpasky et al. and Ui, and further in view of Hirasuna.

**ARGUMENT:**

In the Examiner's Answer of September 14, 2010, the Examiner has maintained the rejections of claims 22, 23, 27-29, 36-39, and 41 under 35 U.S.C. § 102(b) as being anticipated by Yahara et al. (JP 10-297318), claims 24-26 under 35 U.S.C. § 103(a) as being unpatentable over Yahara et al. in view of Hirasuna (JP 11-099852), claims 30-32, 34, 35, and 40 under 35 U.S.C. § 103(a) as being unpatentable over Yahara et al. in view of Kolpasky et al. (U.S. 7,474,309), and further in view of Ui (JP 2000-292198), and claim 33 under 35 U.S.C. § 103(a) as being unpatentable over Yahara et al. in view of Kolpasky et al. and Ui, and further in view of Hirasuna.

In Section No. 10, "Response to Argument," on pages 15-17 of the Examiner's Answer, the Examiner responded to the arguments made by the Appellant in the Appeal Brief filed on August 6, 2010. Appellant will now respond to specific allegations and arguments contained in Section No. 10, "Response to Argument" of the Examiner's Answer.

In the paragraph bridging pages 15 and 16 of the Examiner's Answer, the Examiner argued that Yahara et al. teaches the features recited in Appellant's claims 22 and 39. Toward this end, the Examiner alleged that Yahara et al. teaches that "each of the generated gauge images comes from a different component of the vehicle, such that each piece of data is generated in a separate location and then provided to the display." The Examiner had previously addressed this issue in the paragraph bridging pages 3 and 4 of The Examiner's Answer where the Examiner argued:

[S]ee paragraph 18, paragraph 20, lines 1-2, paragraph 21, lines 7-9, and paragraph 22, lines 10-15 [of Yahara et al.] - the HUD image includes gauge images that show the rate of the car in addition to functions related to the switches, which can be assigned to control car temperature and air flow, among other things, and because each piece of information that is displayed is generated by a different component of the car, each piece of information is separately supplied and generates an image corresponding to the data it represents[].

However, contrary to the Examiner's allegations, Yahara et al. does not describe the feature of the different components of the car separately generating a plurality of data and this plurality of individually provided data each being separately displayed as independent gauge images on a display. Instead, Yahara et al. describes an entirely different arrangement. For example, Yahara et al. teaches:

(A) "the instrument panel meter display 5 and the heads up display 24 display images in accordance with the image data S22a and the image data S22b, respectively" (Paragraph [0018] of Yahara et al.);

(B) "the heads up display 24 displays the image illustrated in Fig. 7 in accordance with the image data S22b" (Paragraph [0020] of Yahara et al.);

(C) "...supplies the image data S22b to the heads up display 24 so as to cause the heads up display 24 to display the image 75 illustrated in Fig. 10" (Paragraph [0024] of Yahara et al.);

(D) "in accordance with the image data S22b, the heads up display 24 displays information related to the speed meter and the steering switch that has been pressed" (Paragraph [0020] of Yahara et al.); and

(E) "a plurality of different pieces of HUD image data are stored in the instrument panel meter PC 22. Which one of the plurality of pieces of HUD image data is used is determined by, for example, user's entering operation with respect to the operation switch group 8" (Paragraph [0040] of Yahara et al.).

As is clear from all of the above cited portions of Yahara et al., the image data indicating an entire HUD image including individual gauge images is prepared in advance as a single data element. These portions of Yahara et al. also make clear that the single HUD image of Yahara et al. is generated through the use of only a single one of the image data S22a and the image data S22b each of which define all of the elements (e.g., gauge images, such as the speed meter) to be displayed on the HUD. The HUD of Yahara et al. is clearly not generated by use of a plurality

of individually provided data each being separately displayed as independent gauge images on the HUD.

Thus, contrary to the Examiner's allegations, Yahara et al. does not teach or suggest the feature of "a plurality of image data which generates the plurality of gauge images, wherein each of said plurality of image data individually generates one of said plurality of gauge images" as recited in Appellant's claim 22 and as similarly recited in Applicant's claim 39.

Next, in the paragraph bridging pages 15 and 16 of the Examiner's Answer, the Examiner also argued, "[I]f the image being displayed is changed, the data used to generate the displayed image inherently must be changed. Whether it is modified or replaced, the data is changed from its current state to something else, such that the HUD image data taught by Yahara [et al.] clearly is changed when the gauge images are changed on the display." The Examiner had discussed this issue in further detail in the first full paragraph on page 4 of the Examiner's Answer where the Examiner argued that Yahara et al. teaches the "an image data changing section arranged to change one of said plurality of image data into another image data, said another image data generating another gauge image" by stating:

[S]ee paragraph 24, lines 7-10 and Figure 10 [of Yahara et al.] - the down arrow is activated such that it now appears different than the up arrow, which has not been activated, while before the arrow was activated both arrows appeared to be the same color, and the newly generated and displayed gauge image is different than the previously generated and displayed gauge image[.]

However, contrary to the Examiner's allegations, Yahara et al. does not describe the feature of changing from one individual data to another individual data to change one of a plurality of gauge images on a display. Instead, Yahara et al. teaches that "the first HUD image data for the HUD image 75 illustrated in Fig. 10 is prepared" (Paragraph [0040] of Yahara et al.) and that "as illustrated in Fig. 10, the HUD image 75 is an image displaying functions of the steering switch groups 3 and 4 such that a part corresponding to the steering switch (a temperature "DOWN" switch, in this case) pressed by the driver is displayed in a predetermined color" (Paragraph [0041] of Yahara et al.). Moreover, Yahara et al. describes that "in a case where the driver presses one of the switches of the steering switch groups 3 and 4, the first

HUD image data is supplied to the heads up display 24 for a predetermined time period beginning at the timing when the switch is pressed. As a result, the HUD image 75 illustrated in Fig. 10 is displayed" (Paragraph [0042] of Yahara et al.).

Thus, as is clear from the above cited portions of Yahara et al., when the HUD image including the down arrow being in the predetermined color is displayed, as illustrated in Fig. 10 of Yahara et al., the first HUD image data which is prepared in advance as the data indicating the HUD image is supplied to the heads up display 24. The change of the down arrow of the HUD image to have the same color as the up arrow or not is not performed by replacing the first HUD image data with a new HUD image data, but is instead performed by merely a changing of the color of the portion of the first HUD image that corresponds to the down arrow. That is, the underlying image data that defines the shapes and the arrangement of the elements on the display has not been replaced with new underlying image data that defines new shapes and/or arrangements of the elements, rather, not unlike the changing of a speedometer to display the current speed of a vehicle, the changing of the color of the down arrow is merely a representation of a change in an operating state of the vehicle of Yahara et al. or a representation of a change in some other parameter related to the vehicle of Yahara et al.

Thus, contrary to the Examiner's allegations, Yahara et al. does not teach or suggest the feature of "an image data changing section arranged to change one of said plurality of image data into another image data, said another image data generating another gauge image" as recited in Appellant's claim 22 and as similarly recited in Applicant's claim 39.

Accordingly, at least for the above addressed issues, Appellant respectfully requests reconsideration and withdrawal of the rejection of claims 22 and 39 under 35 U.S.C. § 102(b) as being anticipated by Yahara et al.

In the paragraph bridging pages 16 and 17 of the Examiner's Answer, the Examiner argued that the combination of Yahara et al. in view of Kolpasky et al. and Ui teaches the features recited in Applicant's claims 30 and 40. The deficiencies of Yahara et al. are discussed in detail above and thus, in view of brevity, will not be addressed again. With respect to

Kolpasky et al., the Examiner alleged "[I]t is inherent that if the image displayed on the screen is changed, the data used to generate that image must have been modified." The Examiner also relied on Ui, alleging, "Ui also inherently teaches that the background data is changed, because the color of the background image cannot be changed without the data being modified." Appellant respectfully disagrees with these allegations.

As discussed above with respect to Yahara et al., neither Kolpasky et al. nor Ui teach or suggest using a plurality of individually provided data, each being separately displayed as independent gauge images on a display, and thus does not teach a single data used to provide only a background image and that this background image can be replaced with another single data to change to another background image. Rather, Kolpasky et al. and Ui merely teach changing colors of elements on a display. However, changing a color of an element on a display does not mean that the data used to generate the element has been replaced with other data to generate a new element. Instead, as was also discussed above, the changing of the color of an element on a display is often merely a representation of a change in an operating state of a vehicle or some other possible parameter and does not necessitate the replacement of an image data used to provide a first display element with another image data used to provide a second display element.

Thus, contrary to the Examiner's allegations, none of Yahara et al., Kolpasky et al., or Ui, applied alone or in combination, teach or suggest the feature of "an image data changing section arranged to change said image data which generates said background image into another image data, said another image data generating another background image" as recited in Appellant's claim 30 and as similarly recited in Applicant's claim 40.

Accordingly, at least for the above addressed issues, Appellant respectfully requests reconsideration and withdrawal of the rejection of claims 30 and 40 under 35 U.S.C. § 103(a) as being unpatentable over Yahara et al., Kolpasky et al., and Ui.



In view of the foregoing arguments and the arguments presented in the Appeal Brief filed on August 6, 2010, Appellant respectfully submits that the rejections of claims 22 and 39 under 35 U.S.C. § 102(b) as being anticipated by Yahara et al. and claims 30 and 40 under 35 U.S.C. § 103(a) as being unpatentable over Yahara et al., Kolpasky et al., and Ui should be reversed, and that claims 22-41 are allowable, at least for the reasons discussed above.

Respectfully submitted,

Dated: November 12, 2010

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